

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 28, 2010 has been entered.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. McGowan on January 11, 2011.

The application has been amended as follows:

In the Specification on page 22, in Table 2, the Equilibrium Pressure of Example 1 has been changed to 15.0; the Equilibrium Pressure of Example A has been changed to 5.0 and the Equilibrium Pressure of

Example B has been changed to 10.0. The first 2 columns of Table 2 have been amended to read as follows:

Example	Equilibrium Pressure (MPa)
1	15.0
A	5.0
B	10.0

Applicant has pointed out on page 9 of the arguments filed on September 28, 2010 that the decimal points were omitted from the pressures shown in Table 2, as clearly indicated from the description of the comparative examples on page 21, where support for this amendment is found.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

Applicants amendments to the claims and arguments are persuasive.

None of the prior art shows an emulsion or dispersion prepared by the process of the claims that includes the microporous structure of the claims that is made by the micronisation process of the claims. The specification

describes and defines the micronisation process at page 9. Examples 2-4 in the specification at pages 24-25 shows the advantage of process of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn A Paden whose telephone number is (571) 272-1403. The examiner can normally be reached on Monday to Friday from 7 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached by dialing 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is

available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Carolyn Paden/

Primary Examiner 1781